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INDIGENOUS ISSUES

# Report of the open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people in the United Nations system

Chairman-Rapporteur: Mr. Richard van Rijssen (Netherlands)

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## Introduction

### Establishment of the working group

1. In its resolution 1998/20 of 9 April 1998 the Commission on Human Rights decided to establish an open-ended inter-sessional ad hoc working group, from within existing United Nations resources, to elaborate and consider further proposals for the establishment of a permanent forum for indigenous people in the United Nations system. This decision was endorsed by the Economic and Social Council in its resolution 1998/247 of 30 July 1998. The Commission on Human Rights requested the ad hoc working group to take into account in its work the reports of the two workshops and any comments received from Governments, United Nations bodies and organizations, specialized agencies, indigenous organizations and the Working Group on Indigenous Populations, as well as such ideas as the High Commissioner for Human Rights, in her role as Coordinator for the International Decade of the World's Indigenous People, might wish to present to the ad hoc working group.

## I. ORGANIZATION OF THE SESSION

### A. Opening of the session

2. The working group held meetings during the period 15-19 February 1999. A total of 211 people attended these meetings, including representatives of 44 Governments, 5 specialized agencies, 1 regional body and 54 indigenous and non-governmental organizations.

3. The session was opened by the Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, on behalf of the High Commissioner for Human Rights and Coordinator of the Decade, Mrs. Mary Robinson. He provided a brief review of the historical process pertaining to the proposed permanent forum for indigenous peoples 1/ and said that he believed that the meetings of the working group would be another step towards the establishment of an effective and competent body within the United Nations with the capacity to contribute to the protection and promotion of the rights of indigenous peoples. He recalled General Assembly resolution 50/157, in which the Assembly had recognized among the important objectives of the Decade consideration of the establishment of a permanent forum for indigenous peoples within the United Nations.

### B. Election of the Chairman-Rapporteur

4. At its first meeting, the working group unanimously elected Mr. Richard van Rijssen (the Netherlands) as its Chairman-Rapporteur.

5. Indigenous representatives proposed that an indigenous person should

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1/ The present report is solely a record of the debate and does not imply acceptance of the usage of either the expression "indigenous peoples" or "indigenous people". In this report both terms are used without prejudice to the positions of particular delegations, where divergences of approach remain.

be elected as co-chairman of the working group. The Chairman-Rapporteur informed the working group that he had consulted governmental delegations on the possibility of having an indigenous co-chairman. He said that several governmental delegations had expressed the view that the rules of procedure of the functional commissions of the Economic and Social Council did not allow the working group to elect any person who was not a representative of a Member State as one of its officers. Reference was made to rule 15 of the rules of procedure.

6. An indigenous representative requested the working group, through the Chairman-Rapporteur, to seek a legal opinion from the Office of Legal Affairs of the United Nations on this matter. In this context, reference was made to rules 23 and 24 of the rules of procedure.

7. The working group sent the following memorandum to the Office of Legal Affairs concerning the interpretation of the rules of procedure:

> "Participants at the open-ended inter-sessional ad hoc working group of the Commission on Human Rights on a permanent forum for indigenous people meeting in Room XVII, this week (15-19 February 1999), have requested a legal opinion of the Office of Legal Affairs of the United Nations in relation to the rules of procedure of the functional commissions of the Economic and Social Council. They ask whether the rules of procedure preclude the possibility of or allow for the working group nominating a representative of an indigenous organization as a co-chairman of the session or as any other officer."

8. At the sixth formal meeting, the Chairman-Rapporteur read out a facsimile from the Senior Legal Officer at the United Nations Office in Geneva to the Office of Legal Affairs at United Nations Headquarters in New York:

> "According to my own reading of the rules of procedure, co-chairmen of the working group can only be nominated from among its members, not observers. Could you please give me your guidance on this?"

9. At the seventh formal meeting, the Chairman-Rapporteur read out a memorandum from the Office of Legal Affairs at the United Nations Headquarters in New York to the Senior Legal Officer in Geneva:

> "This is with reference to your facsimile of 15 February 1999 concerning the request for a legal opinion by the open-ended inter-sessional ad hoc working group of the Commission on Human Rights on a permanent forum for indigenous people. In particular, they ask whether the rules of procedure preclude the possibility of or allow for the working group nominating a representative of an indigenous organization as a co-chairman of the session or as any other officer.
>
> "Pursuant to rule 24 of the rules of procedure of the functional commissions of the Economic and Social Council, the rules of procedure of the Commission shall apply to the proceedings of its subsidiary organs in so far as they are applicable. In its relevant part, rule 15 provides 'the Commission shall elect, from among the representatives of

its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required'.

"As the Bureau must be elected from among the representatives of the members of the Commission, rule 15 therefore precludes the possibility of nominating a representative of an indigenous organization as a chairman, vice-chairman or any other officer. Moreover, it should be noted that rule 15 explicitly provides for a Chairman. The rules of procedure therefore also preclude the possibility of co-chairmen."

C. Documentation

10. The Working Group had before it the following documents:

Provisional agenda (E/CN.4/AC.47/1999/1);

Note by the secretariat: brief technical presentation of the structure of the United Nations (E/CN.4/AC.47/1999/2);

Note by the secretariat: information concerning financial and secretariat implications (E/CN.4/AC.47/1999/3);

Information received from indigenous organizations pertaining to the permanent forum (E/CN.4/AC.47/1999/4);

Information received from indigenous organizations pertaining to the permanent forum (E/CN.4/AC.47/1999/4/Add.1);

Information received from the Government of Spain pertaining to the permanent forum (the document had been presented to the secretariat in due time, but for technical reasons it was not available in an official version);

Information received from the Government of Switzerland pertaining to the permanent forum (the document had been presented to the secretariat in due time, but for technical reasons it was not available in an official version);

Draft report of the open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people in the United Nations system (E/CN.4/AC.4/1999/CRP.1-6);

List of attendance (E/CN.4/AC.4/1999/INF.1).

11. The following background documents were made available to the working group:

Rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1);

Commission on Human Rights resolution 1998/20, entitled "A permanent forum for indigenous people in the United Nations system";

General Assembly resolution 48/141, entitled "High Commissioner for the promotion and protection of human rights";

Vienna Declaration and Programme of Action (A/CONF.157/23);

Report of the second workshop on a permanent forum for indigenous people within the United Nations system held in accordance with Commission on Human Rights resolution 1997/30 (E/CN.4/1998/11 and Adds.1-3);

Report of the workshop held in accordance with Commission resolution 1995/30 (E/CN.4/Sub.2/AC.4/1995/7);

Report of the Secretary-General: Review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493).

## D. Adoption of the agenda

12. The working group adopted the following agenda, as contained in document E/CN.4/AC.4/1991/1):

1. Election of officers.

2. Adoption of the agenda.

3. Organization of work.

4. Proposals for the possible establishment of a permanent forum for indigenous people:

   (a) Mandate and terms of reference for the activities to be undertaken by the forum;

   (b) Membership;

   (c) Financial and secretariat implications;

   (d) The United Nations body to which the proposed forum would report;

   (e) Location of the forum;

   (f) Name of the forum;

   (g) Other matters.

5. Participation of indigenous people in the work of the United Nations system, including the role and function of the Working Group on Indigenous Populations.

6. Follow-up.

7. Report to be submitted to the Commission on Human Rights at its fifty-fifth session.

## E. Participation

13. The following States members of the Commission on Human Rights were represented: Argentina, Bangladesh, Canada, Chile, China, Colombia, Cuba, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Japan, Mexico, Morocco, Norway, Peru, Philippines, Russian Federation, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

14. The following States members of the United Nations were represented by observers: Australia, Belgium, Bolivia, Brazil, Costa Rica, Denmark, Estonia, Finland, Honduras, Malaysia, Netherlands, New Zealand, Paraguay, Spain, Sweden, Ukraine.

15. The following non-member States were represented by observers: Holy See and Switzerland.

16. The following United Nations bodies and specialized agencies were represented by observers: Office of the United Nations High Commissioner for Refugees, Secretariat of the Convention on Biological Diversity, International Labour Office, World Health Organization, World Intellectual Property Organization.

17. The following regional body was represented by an observer: the European Parliament.

18. The following indigenous and non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Indigenous organizations: Aboriginal and Torres Strait Islanders Commission (ATSIC), Asociación Napguana, Consejo Indio de Sud America, Grand Council of the Crees (Eeyou Itschee), Indian Movement "Tupaj Amaru", Indigenous World Association, International Indian Treaty Council, International Organization of Indigenous Resource Development, Indian Law Resource Center, Inuit Circumpolar Conference, National Aboriginal and Islanders Legal Services Secretariat, New South Wales Aboriginal Land Council, Saami Council.

Non-governmental organizations: Academic Council on the United Nations System, Asian Buddhist Conference for Peace, Asian Cultural Forum on Development, Centre Europe-Tiers Monde, International League for the Rights and Liberation of Peoples, International Movement Against All Forms of Racism and Discrimination, International Peace Bureau, International Service for Human Rights, International Work Group for Indigenous Affairs, North-South XXI, Society for Threatened Peoples, Terre des Hommes, World Council of Churches.

19. The following organizations of indigenous people accredited in accordance with Commission on Human Rights resolution 1995/32 were represented by observers: Aboriginal Legal Service of Western Australia, Assembly of First Nations, Ainu Association of Sapporo, Association Nouvelle pour la Culture et des Arts Populaires, Association of the Shoria People, Asociacion Tea-Amaro Runa, Chittagong Hill Tracts Peace Campaign, Comisión Jurídica de los Pueblos de Integración Tahuantinsuyana, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Innu Council Nitassinan, Consejo de Todas las Tierras Mapuche, Consejo Inter-Regional Mapuche, Consultative Committee of Finno-Ugric Peoples, Cordillera Peoples Alliance, Faira Aboriginal Corporation, Indigenous Woman Aboriginal Corporation, International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, Nepal Federation of Nationalities, MAA Development Association, Mejlis of Crimean Tatar Peoples, National Confederation of Indigenous Peoples of the Philippines, Nepal Indigenous Peoples Development and Information Service Centre, Organización Regional de la Mujer Indígena, Russian Association of Indigenous Peoples of the North, South East Treaty Four Tribal Council, Taller de Historia Oral Andina, Te Kawau Maro.

## F. Organization of work

20. In his opening statement, the Chairman-Rapporteur encouraged the participants to avoid lengthy general statements and proposed that the speaking time should be limited to three minutes. He presented a draft programme of work and a provisional timetable for the session, which were adopted by the working group.

21. The following substantive agenda items were discussed in formal meetings: mandate; membership and participation; and the United Nations body to which the proposed forum would report. The Chairman-Rapporteur suggested making use of "co-facilitators" on each of these subjects, one of them being a governmental representative, the other an indigenous representative. This suggestion was agreed to by the participants.

22. The following agenda items were discussed in informal meetings: location of the forum; name of the forum; financial and secretariat implications; the role and function of the Working Group on Indigenous Populations; and other matters.

23. The Working Group held eight formal and two informal meetings during the period 15-19 February 1999.

24. The Working Group formally adopted the report on 24 March 1999. The Chairman-Rapporteur noted that the report had been adopted ad referendum on 19 February 1999 in the presence of all participants. He explained that he had undertaken to assure indigenous participants that there would be no substantive changes to the text; however, at the request of delegations, translation into the working languages was necessary before formal adoption of the report.

## II. GENERAL DEBATE

25. A number of governmental and indigenous representatives made general statements in support of the establishment of a permanent forum for indigenous peoples within the United Nations.

26. Many participants stated that it was important that the ad hoc working group take into account in its work the Vienna Declaration and Programme of Action, the reports of the two United Nations workshops on a permanent forum for indigenous peoples (held in Copenhagen, Denmark and Santiago, Chile), the Programme of Action for the International Decade of the World's Indigenous People and all resolutions and declarations pertaining to the establishment of a permanent forum.

27. At the start of the fifth meeting, the Chairman-Rapporteur invited an elder from the Inuit people to say an opening prayer. The elder invited all participants to pray for the traditional elders who had passed away, as they had given guidance and helped indigenous peoples to have access to the United Nations.

28. In closing the last meeting of the session, the Chairman-Rapporteur referred to the fact that the conference room which had been allocated to the working group had been forcibly occupied for several days by a group involved in an ongoing political conflict, an incident which had made the work of the working group very difficult. He said that despite the resulting setbacks to the programme and the many problems the secretariat had had to overcome, the work which had been accomplished was impressive.

29. The Chairman-Rapporteur said that after many years of good intentions and abstract debate, the working group had been able to start to address concrete and detailed questions pertaining to the establishment of a permanent forum. The creation of a new and permanent United Nations body obviously had many technical, financial, organizational and political implications. The working group had been able to cover quite a number of those issues. Moreover, the working group had been able to converge largely on a majority of the many outstanding problems. The working group had made great progress, both substantively and substantially.

## III. MANDATE AND TERMS OF REFERENCE FOR THE ACTIVITIES TO BE UNDERTAKEN BY THE FORUM

30. The working group held two formal meetings on questions relating to the mandate and terms of reference of the forum. The representative of the Government of Mexico and Ms. Vicky Tauli-Corpuz agreed to act as co-facilitators. The delegation of Mexico presented an individual summary of the debate pertaining to the mandate (see annex III).

31. Indigenous as well as many governmental representatives expressed the view that the mandate of the permanent forum should be sufficiently broad to cover all issues affecting indigenous peoples. It was emphasized that it was crucial that the mandate should be broad and comprehensive and that it should go beyond dealing with human rights.

32. Many governmental representatives expressed the view that the permanent forum should deal with all issues affecting indigenous peoples. In this context, some governmental representatives referred to the goal of the International Decade of the World's Indigenous People (1995-2004), which was to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health.

33. Many Governments recalled the Vienna Declaration adopted by the World Conference on Human Rights, in accordance with which States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Reference was also made to the Vienna Programme of Action, in which it was recommended that consideration be given to the establishment of a permanent forum for indigenous people within the United Nations system.

34. In arguing in favour of the establishment of a permanent forum, many governmental and indigenous representatives referred to the review of the Secretary-General of existing mechanisms, procedures and programmes within the United Nations concerning indigenous peoples (A/51/493), in which it was stated that there were no mechanisms to ensure regular exchange of information and views between Governments, indigenous peoples and the United Nations system on an ongoing basis.

35. Some governmental delegations expressed the view that there was a linkage between the current work of the working group of the Commission on Human Rights on the draft declaration and the future mandate of a permanent forum.

36. Many governmental representatives expressed the view that the permanent forum would have an important role to play in coordinating United Nations activities pertaining to indigenous peoples. The view was also expressed that the forum should be mandated to make recommendations and provide advice to Governments and United Nations bodies and organs on indigenous issues. Furthermore, it was stated that the forum should disseminate information on the conditions and needs of indigenous peoples and that it should promote greater understanding among nations and peoples of the world.

37. Some governmental representatives expressed reservations with regard to the proposed inclusion of standards development and policy-making elements in the mandate of the forum. A number of governmental representatives expressed reservations with regard to the proposal that the permanent forum should give advice and guidance to Governments on matters relating to indigenous issues.

38. Indigenous representatives expressed the view that the overall goal of the permanent forum should be to promote peace and prosperity in accordance with the Charter of the United Nations. In that regard, it was emphasized, the forum would have an important role to play in the development of friendly relations among nations and peoples based on respect for the principle of equal rights.

39. Indigenous representatives were of the opinion that the forum should deal effectively with the full range of issues covered by the Economic and

Social Council. It was considered that the mandate of the forum should include, but not be limited to, the submission of proposals, recommendations and reports to the Economic and Social Council. Many indigenous representatives emphasized that it was of paramount importance to include conflict prevention and resolution in the mandate of the forum.

40. Many indigenous representatives also expressed the view that the forum should be mandated to develop international standards on the rights of indigenous peoples, as well as to ensure implementation of existing international standards pertaining to the rights of indigenous peoples. Furthermore, indigenous and some governmental representatives stated that it was important to ensure that the mandate of the forum also included development strategies and a policy-making element.

41. Many governmental representatives pointed out that the maintenance of international peace and security was the prerogative of the United Nations Security Council, as laid down in the Charter of the United Nations. Therefore, it would not be acceptable to include conflict prevention and conflict resolution in the mandate of the permanent forum.

42. Most governmental representatives expressed the view that it was important to avoid duplication of the work of other United Nations bodies or organs.

43. Some governmental representative said that, although they had gladly participated in the working group, their final position on a number of issues had not been determined. They would formulate their views at a later stage, after having taken into account the ideas and suggestions expressed in the working group.

44. While supporting the idea of a broad mandate, some governmental delegations emphasized that it should also be precise. In this regard, a reference was made to the need for a clear legal framework for the permanent forum.

45. The Chairman-Rapporteur summarized the debate pertaining to the mandate and terms of reference for the activities to be undertaken by the forum. This summary can be found in annex II.

## IV. MEMBERSHIP AND PARTICIPATION

46. The working group held two formal meetings on questions relating to membership and participation in the permanent forum. The representative of Denmark and Ms. Tarcila Rivera Lea agreed to act as co-facilitators.

47. All participants considered that the principle of full, free and active participation of indigenous peoples in the permanent forum was fundamental. In this regard, some delegations expressed the view that it would not work to copy the rules and procedures of other United Nations bodies and organs as the permanent forum would be a new and unique body of the United Nations.

48. Some governmental representatives referred to the open and flexible formula of the Working Group on Indigenous Populations as a model for the structure of the permanent forum. They noted that the Working Group on Indigenous Populations operated as an expert body, with representatives of Governments and indigenous groups participating as observers.

49. Many governmental and indigenous representatives suggested that the permanent forum should have an assembly with a large and open composition and a "core group" or an "executive committee". The core group should have the right to take decisions on matters relating to its agenda and methods of work. Many expressed the view that the core group should take decisions on the basis of consensus.

50. Many governmental and indigenous representatives expressed the view that the forum should also be open to observers, including representatives of non-governmental organizations, Governments, United Nations agencies, bodies and organs with the right to speak and to submit proposals. Some were of the opinion that independent experts should be able to participate freely in the forum as observers, while the representatives of some indigenous organizations expressed the view that individual experts should be allowed to participate only if and when called upon by the forum. Some governmental representatives said that international financial institutions should also be able to participate in the forum.

51. Many governmental and indigenous representatives considered that non-governmental organizations should be able to participate regardless of whether they were in consultative status with the Economic and Social Council.

52. Many governmental delegations said that the core group should consist of governmental and indigenous representatives in an equal number and on an equal footing. That would demonstrate partnership and equality between indigenous peoples and Governments. In that regard, a number of governmental and indigenous representatives made reference to the International Labour Organization model as an example of a formula which included non-governmental entities in a full and effective manner. Some delegations expressed the view that the core group should consist of both governmental and indigenous representatives, elected in accordance with their respective practices and procedures. It was said that members could be elected or appointed for a limited period of time on a rotating basis, and they could serve either in an official or in a personal capacity, in particular indigenous representatives stated that the status of the representatives should be equal.

53. Some governmental representatives expressed reservation with regard to the suggested equal status of indigenous and governmental participants in the permanent forum.

54. Some governmental representatives considered that the participation of indigenous peoples in the permanent forum was linked to the mandate entrusted to it. There were practical limitations to the participation of indigenous peoples and criteria needed to be developed for their representation. Some governmental delegations stated that election of indigenous representatives should take place through national mechanisms.

55. Some governmental delegations expressed the view that determining the definition of indigenous peoples would contribute to the establishment of a permanent forum and facilitate the discussion, as it would then be clear for whom the activities of the forum would be intended. However, it was stated that it would not be necessary to discuss a definition at the current stage.

56. Several indigenous representatives stated that there was no reason for having a definition of indigenous peoples. The issue of a definition should not be used to block the establishment of a permanent forum for indigenous peoples.

57. Many delegations made statements pertaining to the size of the permanent forum. The numbers that were mentioned as the optimum size for the core group or executive committee ranged between 5 and 30 members. Other delegations did not indicate any preferences regarding the number of members and said that they were flexible in that respect. However, some governmental representatives expressed the view that a smaller number would be more rational. It would be easier to reach consensus and the forum would be more efficient and cost-effective.

58. The indigenous and most governmental representatives expressed the view that it was of great importance that indigenous peoples should be given the possibility to elect their own representatives according to their own practices and procedures. It was also emphasized that it was important to take into account a geographical balance. In this respect, several delegations stated that it was important to look at the actual distribution of indigenous peoples throughout the world. According to some delegations, the five existing regions used within the United Nations system did not apply to indigenous peoples. It was said that Asia and the Pacific should be considered as two distinct regions. Furthermore, it was said that the Russian Federation should be considered as a separate region. It was also suggested that representation by language regions could be considered.

59. The Chairman-Rapporteur summarized the debate pertaining to membership and participation (see annex II).

## V. THE UNITED NATIONS BODY TO WHICH THE PROPOSED FORUM WOULD REPORT

60. The working group held one formal meeting on questions relating to which United Nations body the proposed forum would report to. The Chairman-Rapporteur encouraged the participants to consider whether it would be acceptable to "establish the permanent forum, in one way or another, around the Economic and Social Council". The representative of Bangladesh and Mr. Willy Littlechild agreed to act as co-facilitators.

61. A number of governmental representatives expressed the view that the forum should be linked to the Economic and Social Council. Many governmental representatives stated that it would be logical to attach the forum, in one way or another, to the Council owing to the general agreement that the forum should be given the broadest possible mandate. However, some governmental representatives stated that the final placement of the forum would have to be decided on the basis of the outcome of the discussion on the mandate.

62. Many governmental representatives expressed the view that the forum should be placed directly under the Economic and Social Council, at the level of the functional commissions and standing committees. Some said that the forum should be a functional commission of the Council.

63. Some governmental representatives expressed the view that the forum should report to the Economic and Social Council through the Commission on Human Rights.

64. Indigenous representatives stated that the forum should be established at the highest possible level within the United Nations and that the level of the Economic and Social Council was the lowest acceptable level. Many indigenous representatives stated that it would not be acceptable to have a forum which reported to the Economic and Social Council through the Commission on Human Rights. It was said that it would not be possible to have a forum with a broad mandate, going beyond human rights, reporting to the Council through the Commission on Human Rights. Moreover, all the subsidiary organs of the Commission on Human Rights, except the Sub-Commission on Prevention of Discrimination and Protection of Minorities, were temporary organs. Therefore, it would not be possible to establish a permanent forum under the Commission on Human Rights.

65. Many indigenous representatives expressed the view that the forum should be established as a functional commission of the Economic and Social Council, while other indigenous representatives considered that it should be linked to the Economic and Social Council, in one way or another, although they were not in a position to identify the exact placement in the system at the current time.

66. Some indigenous representatives expressed the view that the forum should be directly linked to the General Assembly of the United Nations. Some indigenous representatives also suggested that the forum might, alternatively, be established as an advisory forum for the Office of the Secretary-General of the United Nations.

67. The Chairman-Rapporteur gave a brief summary of the debate pertaining to the United Nations body to which the proposed forum would report (see annex II).

## VI. FINANCIAL AND SECRETARIAT IMPLICATIONS; LOCATION OF THE FORUM; AND NAME OF FORUM

68. Useful informal discussions on secretariat, financial, technical and practical matters relating to the permanent forum took place. However, no common proposals and suggestions were elaborated.

## VII. FOLLOW-UP

69. The Chairman-Rapporteur introduced item 6 of the agenda on follow-up to the ad hoc working group. He reminded the working group that follow-up was not strictly part of the mandate of the working group. He emphasized that governmental representatives would have the opportunity to express their views to the Commission on Human Rights during its fifty-fifth session. In that

context, he encouraged in particular the indigenous representatives to address the issue of follow-up. He added that, as the future of the ad hoc working group and, to an extent, his own role as Chairman-Rapporteur were under discussion, he thought it inappropriate to offer his own opinions on the matter. He would therefore only provide a technical chairmanship during the working group's deliberations on that agenda item.

70. Many governmental as well as indigenous representatives supported the proposal that the Commission on Human Rights should authorize the ad hoc working group to hold a session of eight working days with a view to finalizing its work and submitting one or more concrete proposals for consideration and adoption by the Commission at its fifty-sixth session. In this context, it was recommended that the Chairman-Rapporteur of the ad hoc working group should be authorized to consult with Governments and indigenous peoples with a view to drawing up a consolidated text on the establishment of a permanent forum, including if necessary alternative suggestions, for consideration at the next session of the ad hoc working group.

71. It was also suggested that discussions and consultations between Governments and indigenous peoples should continue between the current session and any future meetings on the permanent forum.

72. A few governmental representatives expressed some hesitation with regard to a further session of the ad hoc working group. Such a session would have financial implications, which the Commission on Human Rights would have to take into account in its consideration of whether a second session should be held.

Discussion of recommendations and proposals

73. On the basis of the summaries of the Chairman-Rapporteur, the working group had an exchange of views on the possibility of making proposals to the Commission on Human Rights. The Chairman-Rapporteur had drafted a conference room paper (CRP.4) in order to guide the work of the working group. After discussion on the character of the proposals, it was decided that a "basis for future work" should be annexed to the report. Although most delegations would have agreed to the contents of CRP.4, the Chairman-Rapporteur concluded that, despite broad agreement, it would be advisable to attach it as an annex under his responsibility as Chairman-Rapporteur.

## VIII. SPECIFIC COMMENTS BY INDIVIDUAL DELEGATIONS

74. This section of the report contains comments and summaries of statements by individual delegations, which have been included in the report at the request of the delegations concerned.

75. The representative of the Government of the United States of America said that any forum must be realistic in terms of resources. It was essential that any discussion on the question of the possible establishment of a permanent forum be realistic in resource terms and accurately reflect the ongoing fundamental reform of the United Nations system. Any proposal must be examined in light of (i) a constrained United Nations budget which leaves no room for net growth in the organization; (ii) the imperative to avoid

duplication and to direct scarce United Nations system resources to activities having the greatest impact and benefits; and (iii) the availability of voluntary funding.

76. With regard to the membership, the representative of the Government of the United States of America stated that any forum must appropriately reflect the level of participation of indigenous groups. The United States supports appropriate indigenous involvement in the consideration of indigenous issues throughout the United Nations system and other forums. Any proposal for the establishment of a permanent forum must include appropriate, non-restrictive modalities for indigenous participation. We are drawn to the model of open participation in the Working Group on Indigenous Populations which is non-restrictive for indigenous groups. In the Working Group on Indigenous Populations both governments and indigenous groups have observer status; the group is headed by five independent experts. An expert body of this nature could serve as the basis for the structure of any new permanent forum.

77. The representative of the Government of Denmark pointed out that the establishment of the permanent forum should be subject to a review clause which would allow for adjustments to be made with regard to the mandate, composition and rules of procedure of the forum in the light of experience gained over a certain period of time, for example, every five years. Thus the establishment of the permanent forum might not be perfect in the sense of satisfying everybody's wishes from the very start, but might gain strength during an evolutionary process.

78. The representative of the Government of Australia expressed the view that, for many years, the Working Group on Indigenous Populations had fulfilled an important function. However, it had largely completed its work and was therefore looking at a possible new body to advance indigenous interests in the United Nations context. For reasons of function, efficiency, focus and effective utilization of resources, the Government of Australia would not be in a position to accept the establishment of a permanent forum without some decision on the future of the Working Group on Indigenous Populations. The possibility of some sort of transition mechanism could be looked at but, basically, one body would have to replace the other. Furthermore, the representative of Australia expressed the view that the permanent forum would have to be budget neutral. Funding should continue to come from the regular budget of the United Nations, but voluntary contributions should also be allowed.

79. The representative of India said that his delegation was still not fully convinced that an adequate case had been made for the establishment of a separate permanent forum. Further explanation was required of why broadening the mandate of the Working Group on Indigenous Populations would not be sufficient. He also inquired whether it would not be better to enhance the participation of indigenous people in such bodies as ILO, WHO, UNESCO and other agencies. It was unclear what additional value the inclusion of "human rights" in the mandate of the permanent forum would be, since the present proliferation of human rights mechanisms within the United Nations system had reduced, rather than improved, efficiency and effectiveness. The representative also pointed out that a number of Asian countries had raised

the issue of a definition of "indigenous people" and that it was not feasible to set up a permanent forum until this issue had been resolved.

80. The representative of Switzerland expressed the view that the permanent forum should be financed through the regular budget of the United Nations. However, that should not prevent voluntary contributions from Governments or other entities. He stated that the permanent forum should be located at the United Nations Office in Geneva, where it could benefit from contacts with many specialized agencies, including the International Labour Office, the World Health Organization and the World Intellectual Property Organization. Furthermore, the creation of the permanent forum should eventually bring to an end the existence of the Working Group on Indigenous Populations as its mandate would entirely become part of the mandate of the permanent forum.

81. The representative of Paraguay expressed support for the creation of a permanent forum which would coordinate, promote and advise on all issues regarding indigenous peoples, including their civil, political, economic, social and cultural rights. The mandate must be as broad as possible.

82. The representative of the Government of Brazil said that her Government was willing to consider any proposals for improved participation of indigenous people in the work of the United Nations. She said that her Government was one of the sponsors of the resolutions adopted by the General Assembly at its fifty-third session pertaining to the International Decade of the World's Indigenous People. That reflected the Government of Brazil's commitment to contribute to the implementation of the Programme of Action and objectives of the Decade, as well as to the promotion of the rights of indigenous people. As far as the permanent forum was concerned, her Government acknowledged the meaningful work undertaken by the Working Group on Indigenous Populations, both in terms of standard-setting and in reviewing developments. The valuable experience of that Working Group and its flexible rules regarding the participation of indigenous organizations should be taken into account in the debate concerning the permanent forum. Furthermore, in the realm of possible solutions, one might be found in the reviewing of the mandate of the WGIP in order to include development, health, culture, education, and by increasing the number of experts - some of whom could be appointed by indigenous organizations. It was important, in any solution envisaged, that Governments maintained their prime responsibility of ensuring the framework for the promotion of initiatives for the International Decade of the World's Indigenous People. Finally, the representative of Brazil stated that contacts between the United Nations and national indigenous groups should continue to be channelled through governmental representatives.

83. The representative of the Government of New Zealand stated that his Government supported the development of an advisory and coordinating body on indigenous issues within the United Nations. That body should have a broad mandate extending beyond human rights to reflect wider issues of concern to indigenous people across the work of the United Nations system. He emphasized that it was important that the forum be of a type and status that would permit indigenous representatives to participate as fully as possible alongside States. Although the representative of the Government of New Zealand said that his Government did not have a firm view on the placement of the forum in the United Nations system, given the broad advisory and coordinating mandate

of the forum it would seem logical that it report directly to the Economic and Social Council. Lastly, the permanent forum should be funded through the regular budget of the United Nations on the basis that savings would be possible from amalgamation with, or disestablishment of, the Working Group on Indigenous Populations. Funding could be supplemented by voluntary contributions.

84. The representative of the Tukum Uman Council expressed support for the continued existence of the Working Group on Indigenous Populations. A representative of the Mayan people of Guatemala said that the mandate of the forum should include policy making and conflict resolution. The forum should monitor the human rights situations of indigenous peoples. Moreover, the forum should contribute to the formulation of national public policies affecting indigenous peoples.

85. Some indigenous representatives from Bolivia, Ecuador, Guatemala and Mexico expressed the view that broad participation of indigenous people in the permanent forum should be ensured. The structure of the permanent forum should resemble a general assembly composed of representatives of indigenous peoples or organizations and of governmental representatives. Furthermore, the permanent forum should have an executive council composed of 41 indigenous and governmental representatives, 20 from each group, participating on an equal footing. The general assembly should be able to discuss issues defined in the mandate of the permanent forum and should be able to take decisions. With regard to the executive council, it should be mandated to make its own rules of procedure.

86. The representative of Consejo Indio de Sud America (CISA) said that the permanent forum should have decision-making power. In addition, the forum should have a role to play in conflict prevention throughout the world. It should have a broad mandate and be linked to the Economic and Social Council. The representative of CISA also expressed the view that the forum should be funded through the regular budget of the United Nations and that it should have a permanent secretariat in Geneva.

87. The representative of Comité Intertribal expressed the view that the permanent forum should have a broad mandate and be linked to the Economic and Social Council. With regard to membership, indigenous and governmental representatives should be on an equal footing. The forum should be funded through the regular budget of the United Nations.

88. The representative of Coordinadora de las Organizaciones Indígenas de la Cuenca Amazonica (COICA) expressed the view that the permanent forum should be established as a subsidiary body of the Economic and Social Council. Its mandate should be broad and cover all issues affecting indigenous peoples. With regard to membership, the forum should have an equal number of indigenous and governmental representatives, in total 20 members. Moreover, indigenous peoples, communities and organizations, Governments, United Nations bodies and agencies, and intergovernmental and non-governmental organizations should be allowed to participate as observers, regardless of whether they were in consultative status with the Economic and Social Council. The forum and its

secretariat should be established in New York and be funded through the regular budget of the United Nations; its secretariat should be staffed by indigenous persons.

89. The representative of the New South Wales Aboriginal Land Council expressed the view that the forum should have a broad scope and deal with all matters that concerned indigenous peoples, including human rights, the environment, development, health and education, as well as cultural integrity and conflict prevention. The forum could be established either as an advisory body to the General Assembly or the Secretary-General, or at the level of the Economic and Social Council. It was proposed that 10 members should be appointed by the Secretary-General: 5 governmental members, 5 indigenous representatives and 5 independent experts. The forum should be funded through the regular budget of the United Nations. With regard to the future role of the Working Group on Indigenous Populations, it should continue to have a role to play in the field of indigenous rights.

90. The representative of the Inuit Council of Nitassinan expressed the view that the permanent forum should provide formal mechanisms for the lodging of grievances and complaints by indigenous peoples who were subject to policies of extinguishment of indigenous rights to the land.

91. The representative of the Aboriginal Legal Service of Western Australia expressed the view that the mandate of the forum should include cultural, civil, political, social and economic rights, education and the environment. Furthermore, it should contribute to the resolution of conflicts between indigenous peoples and Governments, oversee the coordination of United Nations activities relating to indigenous peoples and disseminate information on the conditions of indigenous peoples. The forum should consist of an equal number of representatives of indigenous peoples and Governments, on the basis of equal geographical distribution. It should be established as a subsidiary body of the Economic and Social Council or the General Assembly.

92. In a joint statement, the National Aboriginal and Torres Strait Islander Legal Services Secretariat, the Aboriginal and Torres Strait Islander Commission and the Aboriginal Legal Service of Western Australia stated that funding for the forum should be allocated from the regular budget of the United Nations. However, the forum should be able to retain funds derived from voluntary contributions. With respect to the name of the forum, it should contain the term "forum". With regard to the location, it should be based in Geneva.

93. In a joint statement, the Saami Council and the Inuit Circumpolar Conference stated that the forum should be established as a subsidiary body of the Economic and Social Council and should be composed of an equal number of representatives of indigenous peoples and Governments, acting as full voting members on an equal basis. Furthermore, indigenous peoples, communities and organizations, non-governmental organizations and United Nations agencies and organs should be able to participate as observers. It was emphasized that indigenous peoples should be able to participate in the work of the forum regardless of whether they had consultative status with the Economic and Social Council. Individual experts should be allowed to participate in the

work of the forum if or when called upon by the forum. Finally, the forum, including its potential subsidiary bodies, should be funded from the regular budget of the United Nations.

94. The representative of the National Aboriginal and Torres Strait Islander Legal Services Secretariat (NAILSS) recalled a proposal contained in the report of the Copenhagen workshop that the permanent forum might be located within the structure of the Trusteeship Council of the United Nations. He proposed that international standard minimum rules for the treatment of indigenous persons by law enforcement agencies and courts of law and tribunals of inquiry should be developed within the framework of the permanent forum.

95. The representative of the Grand Council of the Crees (Eeyou Istchee) expressed the view that the permanent forum should consist of approximately 20 members, equally divided between representatives of Governments and of indigenous peoples. An executive committee consisting of four members chosen from among the members of the forum, with equal representation of Governments and indigenous peoples, would meet several times a year, supported by a permanent, full-time secretariat. The forum should be attached to the Office of the United Nations Secretary-General. With regard to the future role of the Working Group on Indigenous Populations, it was apparent that the World Conference on Human Rights had not intended to make the permanent forum and the Working Group on Indigenous Populations mutually exclusive. Moreover, it was contemplated that the two bodies would exist in the future: one an expert body nominated by Governments with a human rights mandate; the other a permanent forum, with a much larger scope.

96. At the final meeting of the working group, the representative of the Government of Sri Lanka made the following joint statement on behalf of the Governments of the Asian Group:

> "The Asian Group would like to elaborate below some preliminary views of the Asian Group on the question of a permanent forum for indigenous people for the purposes of the record and for inclusion in the report of the working group. (The term 'People/Peoples' has been used throughout the statement without prejudice to the views of individual Asian delegations on the matter.)
>
> "The Vienna Declaration and Programme of Action calls for the consideration of the establishment of a permanent forum for indigenous people. The Asian Group is happy to participate in this working group meeting. Most Asian Governments have yet to take a final position on the matter of the possible establishment of this permanent forum and, in general, are of the view that, in the interest of avoiding duplication, any such move should be accompanied by a decision on whether the Sub-Commission's Working Group on Indigenous Populations should continue to exist.
>
> "As many of the proposals under consideration call for a unique institution with no parallel in the United Nations system, several legal and conceptual issues need to be addressed. We would therefore call for an approach which blends caution with progress and provides adequate time for all Governments to consider these issues comprehensively.

"The Asian Group believes that the question of mandate and membership are the most important elements in the discussion on a possible permanent forum. The final views of the Asian Group on the forum will directly depend upon the nature of the mandate which is agreed upon, as well as how the question of membership is addressed. On the mandate, the Asian Group would like to express the view that the more ambitious the mandate, the more difficult it would be to find a consensus. With regard to the issue of membership, the two principles of 'representativeness' and 'legitimacy' must be respected. While it is important to involve all interested indigenous representatives, it may not be legally possible to provide a position of equality for these representatives with Governments in such a body. Any suggestion towards creativity in this matter must respect the above point.

"The above issue is also closely connected to the question of the definition of the term 'indigenous people/peoples'. Definition is a matter which the Asian Group has raised in discussions in the past. Our views in this regard must be taken into account as we make progress in our discussions on a possible permanent forum. At the same time, we would like to point out that the Asian Group has in the past taken a conscious decision not to use the issue of definition to block progress on the draft declaration on indigenous people. We are, therefore, open to holding further discussions on this matter with all concerned.

"It is clear to the Asian Group that there has not been a convergence of views on key issues between the government delegations and representatives of indigenous people, nor indeed amongst government delegations and indigenous representatives themselves.

"With this in mind, the Asian Group is of the view that the report of this working group should be distributed to all Governments and other interested parties for their comments and opinions. On this basis, a more detailed discussion can be had in future. We hope that in the meantime progress will also be made in the work of the working group on the draft declaration on the rights of indigenous people. The Asian Group is making these observations in a constructive spirit with the intention of developing a broad consensus."

97. The Chairman-Rapporteur pointed out that the working group had already resolved the issue of the expressions "indigenous peoples" and "indigenous people", and that both terms were used without prejudice to the positions of particular delegations. He said that a footnote in the report would address this matter.

Annex I

ISSUES AND SUGGESTIONS FOR FUTURE WORK IDENTIFIED BY THE CHAIRMAN-RAPPORTEUR ON THE BASIS OF THE DISCUSSIONS IN THE WORKING GROUP

On the basis of the discussions in the open-ended inter-sessional ad hoc working group on a permanent forum for indigenous people, the Chairman-Rapporteur identified a number of issues that met with sufficient support to serve as a basis for future work. Furthermore, a number of suggestions were made that should equally be reflected upon.

1. The establishment of a permanent forum for indigenous people in the United Nations system was broadly accepted. Some governmental delegations had not yet taken a final position.

2. The mandate of the forum should be broad and cover (all) issues affecting indigenous peoples.

3. Doubts existed whether the permanent forum should or should not have jurisdictional powers.

4. The mandate would include all human rights, including the right to development, and could cover thematic areas such as health, development, the environment, education, culture, children, gender and other relevant matters.

5. The permanent forum would:

Serve at least as an advisory body to the United Nations system, regional intergovernmental organizations and other interested parties;

Promote internal coordination within the United Nations system on indigenous issues, taking into account the overall coordinating role of the High Commissioner for Human Rights as coordinator for the International Decade and with regard to human rights issues;

Promote the interests and human rights of indigenous peoples;

Act as a focal point for matters concerning indigenous peoples;

Contribute to the definition of development strategies and policy guidelines;

Provide expertise and technical support to interested Governments;

Promote better understanding of indigenous concerns through the dissemination of information;

Organize seminars and expert group meetings on indigenous issues to support the work of the United Nations system;

Commission research on indigenous questions.

6. The working group considered that the permanent forum should take decisions on matters within its mandate. It could draft its own rules of procedure for subsequent approval, taking into account its specificity.

7. The working group noted that the forum should not duplicate the activities of other bodies or forums.

8. The permanent forum could be organized as an open assembly in which all Governments, indigenous peoples and organizations, international and regional intergovernmental organizations, non-governmental organizations and other experts or interested parties participate, with a "core group" or forum composed of a limited number of representatives of Governments and indigenous peoples, on an equal basis, representing all regions of the world in accordance with United Nations practice and reflecting the regions in which indigenous peoples live, that would bear responsibility. The permanent forum should work on the basis of consensus.

9. The working group had no specific recommendation concerning the selection, election or appointment of the members of the core group but concurred that they should be chosen on the basis of equitable distribution and in accordance with their own practices and customs.

10. The working group had no specific recommendation to make concerning whether the members of the core group should serve in their personal or official capacity.

11. The working group noted that the tripartite representation model of ILO might provide an example for future work. A number of Governments noted that national delegations consisting of both governmental and indigenous representatives could be envisaged.

12. The working group, in consideration of the broad range of issues to be covered, expressed a preference for attaching the permanent forum to the Economic and Social Council, either directly or indirectly. It noted, however, that the placement of the permanent forum would depend upon its final mandate.

Annex II

CHAIRMAN-RAPPORTEUR'S SUMMARY OF THE DEBATE ON: THE MANDATE AND TERMS OF REFERENCE; MEMBERSHIP AND PARTICIPATION; AND THE UNITED NATIONS BODY TO WHICH THE PROPOSED FORUM WOULD REPORT

Mandate and participation

1. In closing the third meeting of the session, the Chairman-Rapporteur summarized the debate pertaining to the mandate and the terms of reference as follows.

2. He noted broad acceptance among Governments for establishing a permanent forum for indigenous peoples within the United Nations, in either a shorter or a longer time framework. The Chairman-Rapporteur noted that no governmental delegation had expressed formal opposition to the establishment of a permanent forum for indigenous peoples within the United Nations system, although a number of Governments had stated that they had not yet taken a final position with regard to whether a new forum should be established, or whether it would be sufficient to broaden the mandate of the Working Group on Indigenous Populations.

3. The Chairman-Rapporteur referred to a number of United Nations declarations, resolutions and recommendations, including the Vienna Declaration and Programme of Action, and to resolutions of the General Assembly, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which could constitute "building blocks" for the mandate of the permanent forum.

4. Furthermore, the Chairman-Rapporteur noted that a number of Governments had expressed the view that the permanent forum should not duplicate the work of other United Nations bodies or organs. In that context, reference was made, inter alia, to the Working Group on Indigenous Populations. He indicated that in the history of the United Nations, bodies did continue to evolve and develop new functions and activities.

5. The Chairman-Rapporteur noted widespread agreement among participants that the mandate of the permanent forum should be broad and that it should cover all issues affecting indigenous peoples. A number of delegations proposed that the issues to be dealt with should be made explicit. He noted that all participants had agreed that all human rights, including the right to development, should be part of the mandate. He said that there was similar acceptance that the mandate of the permanent forum could be developed along the lines of that of the Economic and Social Council.

6. The Chairman-Rapporteur noted that many representatives of indigenous peoples were of the opinion that the mandate of the permanent forum should also include conflict prevention and resolution. However, he noted that a number of Governments had expressed the view that those issues were prerogatives of the United Nations Security Council, under Chapters VI and VII of the Charter of the United Nations.

7. With regard to the scope of action of the permanent forum, the Chairman-Rapporteur noted that there were varying degrees of acceptance of different possible functions. All seemed to agree that the permanent forum should have at least an advisory role. There was also general agreement that the forum should have the mandate to make recommendations to United Nations bodies and organs, regional organizations and interested parties.

8. Furthermore, the Chairman-Rapporteur noted that there was broad acceptance of a promotional role, including coordination and initiation, for the permanent forum, aimed at facilitating cooperation between Governments and the United Nations, as well as in defining strategies for the development of policies and programmes. Moreover, there was general acceptance of including promotion and protection of indigenous people's interests and rights as part of the scope of action of the permanent forum. With regard to coordination, the High Commissioner for Human Rights had two important tasks in this field, stemming from her role as Coordinator for the International Decade of the World's Indigenous People and from her mandate as laid down in General Assembly resolution 48/141.

9. The Chairman-Rapporteur noted that many representatives of indigenous peoples had expressed the view that the permanent forum should be given a policy-making role. However, many Governments had questioned, or expressed opposition to, that proposal.

10. The Chairman-Rapporteur said that it would be important to consider ways and means of cooperation and consultation between the permanent forum and existing bodies under the Economic and Social Council. He concluded from the discussion that all functional commissions were of relevance in that regard. Moreover, in addition to the five regional commissions of the Council, he also identified the three existing standing committees as being of relevance in this context.

11. The Chairman-Rapporteur stated that it seemed to be important to establish or strengthen cooperation and consultation between the permanent forum and relevant United Nations programmes and specialized agencies, such as the Convention on Biological Diversity, ILO, OHCHR, UNESCO, UNHCR, UNICEF, UNDP, UNEP, WHO, WIPO and the international financial institutions. In this context, he noted that many of these organizations had their own constitutions and governing bodies; that would prevent the permanent forum having a policy-defining role.

## Membership and participation

12. In closing the fifth meeting of the session, the Chairman-Rapporteur summarized the debate pertaining to the membership and participation as follows.

13. The Chairman-Rapporteur expressed his satisfaction with the largely converging views put forward on the question of membership and participation in the permanent forum, although a number of questions remained to be resolved.

14. He would not be able to make use of the "building blocks" as he had in the discussion on the mandate, as a number of proposals were in "technical competition" with one another, rather than in "contradiction". For that reason, he would give a summary of the "largest common denominator".

15. For the purpose of furthering understanding, dialogue and partnership between Governments and indigenous peoples on all issues affecting indigenous people, the composition of the permanent forum might be as follows.

16. There could be a "core group" consisting of an equal and limited membership of Governments and indigenous peoples, with the right to take decisions on matters within the mandate of the permanent forum, as well as on procedural matters, such as setting its agenda and methods of work. The permanent forum should work on the basis of consensus.

17. Meetings of the permanent forum would be open to interested Governments, indigenous peoples' representatives, intergovernmental organizations, regional organizations and non-governmental organizations, as observers with the right to make statements and submit proposals. The permanent forum might seek technical and/or legal advice from experts if and when required.

18. Members of the "core group" could be selected, appointed or elected on the basis of nominations made by Governments and indigenous peoples' representatives respectively, reflecting an equitable distribution and in accordance with their own practices and procedures.

19. The Chairman-Rapporteur suggested that the rules of procedure of the permanent forum might be drawn up by the forum itself and approved by the appropriate forum.

20. Members of the "core group" would serve for a limited period on a rotating basis.

21. Members of the "core group" would serve either in an official or in a personal capacity.

22. The Chairman-Rapporteur noted that different models for the permanent forum were proposed by the participants. The ILO model was mentioned by several delegations, although he understood that there was also some opposition to that model.

23. The composition of the permanent forum had to be without prejudice to the status of the participants in any other international or national context.

The United Nations body to which the proposed forum would report

24. The Chairman-Rapporteur summarized the debate on questions relating to which United Nations body the proposed forum would report to, as follows.

25. The Chairman-Rapporteur noted that out of the debate the notion had emerged that the permanent forum should be linked in one way or another to the Economic and Social Council, taking into account the responsibilities and views of other bodies and organs. This would not prevent the permanent forum from reporting to other higher or lower United Nations bodies or organs. Whether that would have to be directly or indirectly was as yet undecided.

26. The views expressed in the working group did not constitute a formal position but rather a point of departure for future work. However, the exact placement of the permanent forum within the United Nations would have to be decided on the basis of the final outcome of the discussion on the mandate.

## Annex III

### SUMMARY OF THE DEBATE ON THE MANDATE, PREPARED BY THE DELEGATION OF MEXICO

The governmental delegation of Mexico was invited by the Chairman-Rapporteur to act as a co-facilitator on questions pertaining to the mandate of the permanent forum for indigenous people within the United Nations system. As a result of the consultations held by this co-facilitator and the statements of several governmental delegations, broad agreement was reached on, at least, the following seven points:

1. The mandate should be broad. Some of the delegations pointed out that the following aspects should be included in the mandate:

Health;
Environment;
Education;
Culture;
Human rights;
Resource management;
Housing;
Gender issues.

2. The permanent forum should provide a forum for dialogue. It should facilitate the exchange of views on indigenous questions between interested Governments, indigenous people and the United Nations system, including its specialized agencies, functional and regional commissions, treaty bodies, etc. Such a dialogue would include technical cooperation.

3. Advisory functions: the forum should:

(a) Organize seminars and expert workshops supporting the work of United Nations bodies in the field of indigenous issues, especially those relating to the International Decade of the World's Indigenous People;

(b) Provide expert advice to the United Nations Secretary-General and United Nations bodies and specialized agencies;

(c) Provide expertise and technical support to interested Governments, particularly for the design of programmes and projects pertaining to indigenous peoples; and

(d) Provide expertise and technical support to interested indigenous people.

4. Coordination: the permanent forum should promote better coordination of activities relating to indigenous people within the United Nations system.

5. Research: the permanent forum should undertake research on questions relating to indigenous people.

6. The permanent forum should disseminate information:

(a) On the concerns and needs of indigenous people;

(b) On national policies on indigenous people; and

(c) On the approach of the United Nations system on questions relating to indigenous people.

7. The forum should not:

(a) Have a role in dispute settlement and monitoring compliance with international instruments;

(b) Have jurisdictional faculties;

(c) Duplicate the activities of other forums, especially not the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, or

(d) Provide a confrontation forum instead of a cooperation mechanism.